

DECISION

Dispute Codes CNR, OLC, OPR, MNR, FFT

Introduction

This hearing dealt with the Tenants' April 24, 2023 application and the Landlord's May 1, 2023 application under the *Residential Tenancy Act* (the *Act*) for:

- An order of possession under a 10-Day Notice to End Tenancy for Unpaid Rent, pursuant to section 46 and 55
- A monetary order for unpaid rent, pursuant to section 67
- Cancellation of a 10-Day Notice to End Tenancy for Unpaid Rent (the Notice) issued on April 17, 2023, pursuant to section 46
- An order that the landlord comply with the *Act*, Regulation or the tenancy agreement.
- An authorization to recover the filing fee for this application, under section 72

Preliminary Issue

- Tenants' Application to have the Landlord comply with the *Act*, Regulation and/or tenancy agreement.

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the Tenants indicated several matters of dispute on the Application for Dispute Resolution, the most urgent is the application to set aside the Notice. I find that the additional claim on this Application for Dispute Resolution does not sufficiently relate to be determined during these proceedings. Therefore, only the Tenants request to set aside the Notice and to recover the filing fee will be dealt with in the settlement below. The balance of the Tenants' application is dismissed, with leave to reapply.

Settlement

1. The Notice is cancelled and of no force or effect.
2. The Tenants will pay the Landlord \$2,000.00 by e-transfer on June 15, 2023 for June 2023 rent.
3. The Landlord will reduce the amount of unpaid rent for April 2023-May 2023 from \$3,100.00 to \$3,000.00.

4. The Tenants will pay the Landlord the \$3,000.00 in unpaid rent for April 2023-May 2023 based on the following schedule:
 - a. \$1,000.00 by e-transfer on July 1, 2023;
 - b. \$1,000.00 by e-transfer on August 1, 2023; and
 - c. \$1,000.00 by e-transfer on September 1, 2023.
5. From now on the Tenants will pay rent on the first of the month.
6. The Landlord is granted an order of possession to serve on the Tenants only if the Tenants breach term 4.
7. Neither party will recover the filing fee from the other.

Conclusion

The parties confirmed they voluntarily agreed to this settlement and that it is final. The attached order of possession is only valid if the Tenants fail to pay rent on time.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue the attached monetary order ordering the Tenants pay the Landlord \$3,000.00 by September 1, 2023 and \$2,000.00 by June 15, 2023.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 05, 2023

Residential Tenancy Branch